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RUCNDT/USMISSION USUN NEW YORK PRIORITY 1453

C O N F I D E N T I A L WARSAW 000896

SIPDIS

E.O. 12958: DECL: 09/02/2019
TAGS: [PREL](#) [AORC](#) [ICJ](#) [KVIR](#) [PL](#)
SUBJECT: POLAND UNDECIDED ON WHETHER TO FILE ORAL ICJ BRIEF
IN SUPPORT OF KOSOVO

REF: A. A) SECSTATE 90199
[1](#)B. B) WARSAW 368

Classified By: Political Counselor F. Daniel Sainz for reasons 1.4 b and d.

[1](#)1. (C) Polish MFA is divided on the issue of filing an oral ICJ brief in support of Kosovo. Legal Department advisors are arguing in favor of the U.S. position, while the Central and South Europe and Eastern Departments want to take relations with regional partners such as Serbia and Russia into account. The MFA's Marek Madej, who drafted the written ICJ brief in April in support of Kosovo (ref B), noted that Poland declined to participate in the second round of briefs in July (ref A), since nothing in the Russian brief at that time "touched directly on Poland's interests." Madej noted that the Serbian Ambassador had just visited MFA to discourage Polish participation, and that Poland had still not established diplomatic or even consular relations with Kosovo. There is no official decision at this point, and if the decision were taken today, Madej said it would have no more than a "fifty-fifty" chance of being in Kosovo's favor.

[1](#)2. (C) Madej said that any decision would be made at a late stage, one or two days from the September 15 deadline. Poloff has a follow-up meeting scheduled for September 10 to gauge progress. Madej would very much like to see a draft or outline of the U.S. oral presentation in advance of the Polish decision (ref A para 10).
ASHE